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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,181	05/30/2001	William H. Robertson JR.	EN11229	7279

7590 08/25/2003

Philip H. Burrus, IV
Intellectual Property Department
1700 Belle Meade Court
Lawrenceville, GA 30043

EXAMINER

RUTHKOSKY, MARK

ART UNIT	PAPER NUMBER
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1745

DATE MAILED: 08/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/870,181

Applicant(s)

ROBERTSON ET AL.

Examiner

Mark Ruthkosky

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/21/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

The amendment filed 6/19/2003 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The applicant has added the limitation that the cover is “passive” and describes passive in related arguments as a “cover that does not include energy supplying components.” Support for the amendment is noted to be in Figure 1. While Figure 1 does not show energy supplying components, the figure offers no suggestion that the cover may not comprise energy supplying components. In addition, passive is not taught in the specification to mean a “cover that does not include energy supplying components.” Therefore a broad interpretation of the term may be not interacting with the battery and clearly the latch portion does interact with the battery of the cover. Therefore, Figure 1 does not support the limitation. Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-2 stand rejected under 35 U.S.C. 102(b) as being anticipated by Narisue et al. (US 4,726,794.)

The instant claims are to a cover for a battery comprising mechanical features for mating to a charge plug. The cover includes an orifice such that a power terminal of the charging plug may be coupled to the battery.

Narisue et al. (US 4,726,794) teaches a cover for a battery comprising mechanical features for mating to a charge plug. The cover includes an orifice such that a power terminal of the charging plug may be coupled to the battery. Thus, the claims are anticipated.

Claims 1-6 stand rejected under 35 U.S.C. 102(b) as being anticipated by Brunette et al. (US 5,766,794.)

Brunette et al. (US 5,766,794) teaches a cover for a battery comprising mechanical features for mating to a charge plug. The cover includes an orifice such that a power terminal of the charging plug may be coupled to the battery (see figures 4-6.) The structure includes 4 sides, a base, a latch and a belt. The latch is mounted to the back. The orifice is capable of mating a charge plug having a hook. Further, the cover may be made from polycarbonates (see col. 2, lines 55-65.) Thus, the claims are anticipated.

New Rejection

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Hattori et al. (US 5,633,096.)

The instant claims are to a detachable, passive cover for a battery comprising mechanical features for mating to a charge plug. The cover includes an orifice such that a power terminal of the charging plug may be coupled to the battery.

Hattori et al. (US 5,633,096) teaches a detachable, passive cover for a battery comprising mechanical features for mating to a charge plug. The cover includes an orifice such that a power terminal of the charging plug may be coupled to the battery (see figures 1-2.) The structure includes 2 sides, a base, a latch formed on the base, a latch formed on the casing and a belt. The latch is mounted to the sides. The orifice is capable of mating a charge plug having a hook. Thus, the claims are anticipated.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hattori et al. (US 5,633,096) as applied to claims 1-5 above, and further in view of Brunette et al. (US 5,766,794.)

Hattori et al. (US 5,633,096) teaches a detachable, passive cover for a battery comprising mechanical features for mating to a charge plug. The cover includes an orifice such that a power terminal of the charging plug may be coupled to the battery (see figures 1-2.) The structure includes 2 sides, a base, a latch formed on the base, a latch formed on the casing and a belt. The latch is mounted to the sides. The orifice is capable of mating a charge plug having a hook.

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Hattori et al. (US 5,633,096) is silent to the material forming the battery casing. Brunette et al. (US 5,766,794) teaches a cover for a battery comprising mechanical features for mating to a charge plug. The cover includes an orifice such that a power terminal of the charging plug may be coupled to the battery (see figures 4-6.) The structure includes 4 sides, a base, a latch and a belt. The latch is mounted to the back. The orifice is capable of mating a charge plug having a hook. Further, the cover may be made from a polymer or plastic material such as polycarbonates (see col. 2, lines 55-65.) It would be obvious to one of ordinary skill in the art at the time the invention was made to prepare a cover may be made from a polymer or plastic material such as polycarbonates as the material has been shown in the art to be a durable material for a battery casing. The artesian would have found the claimed invention to be obvious in light of the teachings of the references.

Response to Arguments

Applicant's arguments filed 6/19/2003 have been fully considered but they are not persuasive. The applicant argues that the detachable, passive cover for a battery is not taught in the prior art. The applicant has added the limitation that the cover is "passive" and describes passive in related arguments as a "cover that does not include energy supplying components." Passive is not taught in the specification to mean a "cover that does not include energy supplying components." Therefore a broad interpretation of the term may be not chemically reacting with the battery or not being permanently fixed to the casing and clearly the battery is temporarily added to the casing to receive charge. It is further noted that there is no energy supplied to the battery when the battery is not being charged. The battery may be inserted into the casing

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without charging the battery. A new rejection is added showing a cover that is clearly detachable and passive with regard to the battery.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Examiner Correspondence

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1193. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Ruthkosky whose telephone number is 703-305-0587. The examiner can normally be reached on FLEX schedule (generally, Monday-Thursday from 9:00-6:00.) If attempts to reach

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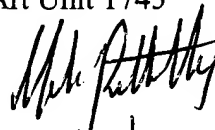
the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached at 703-308-2383.

The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Mark Ruthkosky

Primary Patent Examiner

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8/14/03